

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re HAIN CELESTIAL HEAVY
METALS BABY FOOD LITIGATION

Case No.: 2:21-CV-0678-JS-AYS

This Document Relates To:
ALL ACTIONS

**DECLARATION OF JONATHAN SHUB
IN SUPPORT OF MOTION TO APPOINT INTERIM LEAD COUNSEL,
INTERIM LIAISON COUNSEL, AND INTERIM EXECUTIVE COMMITTEE**

JONATHAN SHUB, duly sworn hereby declares under the penalties of perjury as follows:

1. I am a Partner in the firm Shub Law Firm LLC (“Shub Law”) and make this Declaration in support of Plaintiffs’ Motion for Appointment of Interim Class Counsel pursuant to Fed. R. Civ. Proc. 23(g).

2. I am one of the counsel in *Mays v. Hain Celestial Group, Inc.*, No. 1:21-cv-00805-JS-AYS which was consolidated by the Court with the other actions filed in this district against Hain. The Order of Consolidation was entered on May 13, 2021.

3. The within motion seeks, *inter alia*, to appoint me as a member of the Steering Committee in the Consolidated Action.

A. Background Information About Myself and My Firm.

4. Shub Law is a nationally recognized law firm specializing in consumer class action litigation. The firm’s Partners have more than 40 years of class experience and have successfully litigated numerous class action matters before courts throughout the country.

5. Before founding Shub Law in 2020, I was a shareholder of Kohn, Swift & Graf, P.C. (“KSG”), a Philadelphia-based national law firm. KSG’s practice focuses on complex and

class action litigation involving antitrust, consumer, employment, financial, securities, human rights and environmental matters. The Firm, founded by Harold E. Kohn in 1969, pioneered the prosecution of the most complex form of litigation—the class action. In the 1960s, Harold Kohn served as a member of the Committee of Lead Counsel for plaintiffs in the *Electric Equipment Antitrust Litigation*. Mr. Kohn was lead trial counsel and won a \$29 million verdict in the first case tried in that litigation. Following that, he participated (upon invitation) in the drafting of the federal statute on multi-district litigation and the original Manual for Complex Litigation and its revisions. The firm has served as counsel in numerous substantial antitrust cases. In the 1990s, Judge Milton Shadur (N.D. Illinois) appointed the firm as sole class counsel in a nationally publicized price fixing case (*In re Amino Acid Lysine Antitrust Litigation*). The appointment followed a competitive bidding process established to select competent counsel from among 50 vying law firms. After the case settled for over \$50 million, Judge Shadur praised the firm’s “extraordinarily professional handling of the case.” (The underlying criminal conspiracy that led to this case formed the basis for a movie, *The Informant*, starring Matt Damon.).

6. Over the course of my 30-year career, I have managed more than 100 class actions, over a diverse range of subject matters, including representing classes of individuals and businesses in a vast array of matters involving unlawful conduct. I have gained notable attention in the area of defective consumer electronics and computer hardware as a result of many leadership positions in federal and state cases against companies such as Hewlett-Packard, Maytag, IBM and Palm. I also have vast experience in mass tort class actions such as Vioxx, light tobacco litigation, and in consumer class actions such as energy deregulation. I am currently heavily involved in litigation on behalf of businesses that were denied insurance coverage involving COVID-19.

7. I personally have been appointed to numerous leadership positions in state and federal class action over the last three decades. A representative sample includes: *Aarons v. BMW of North America, LLC*, No. 11-cv-7667-PSG-CWx (C.D. Cal.); *Bell v. Gateway*, No. 031168/2018 (Rockland Cnty. Ct. 2018) (Co-Lead Counsel for consumer case against energy companies); *Dickerson v. York International Corporation*, No. 15-cv-1105 (M.D. Pa.); *Glenz, et al. v. Sharp Electronics Corp.*, No. 2:08-cv-03652-FSHMAS (D.N.J.) (nationwide settlement class involving defective projector bulbs; final approval granted 2011); *In re: Allergan Biocell Textured Breast Implant Products Liability Litigation*, MDL No. 2921 (D.N.J.) (member of the Plaintiffs' Executive Committee; case pending); *In re: AZEK Building Products Inc. Marketing and Sales Practices Litigation*, MDL No. 2506 (D.N.J.) (Co-Lead Counsel in MDL; nationwide settlement for purchases of defective decking); *In re Hydroxycut Marketing and Sales Practices Litigation*, No. 09-cv-1088-BTM-KSC (S.D. Cal.); *Silvis v. Ambit Energy L.P.*, No. 14-cv-5005 (E.D. Pa.) (lead class counsel); *Taha v. Bucks County*, No. 12-cv-6867 (E.D. Pa.) (Co-Lead Trial Counsel for 68,000 member Class); and *Tennille v. Western Union Company*, No. 09-cv-938-JLK (consolidated with No. 10-cv-765-JLK) (D. Col.) (Member of Executive Committee; nationwide \$42,000,000 common fund settlement).

8. My class action leadership experience also includes:

- Served as lead counsel in New York against KIWI Energy LLC for deceptive advertising of residential energy practices.
- Served as co-lead counsel in Illinois against Direct Energy for deceptive advertising of residential energy practices.
- Served as co-lead counsel in Pennsylvania against PG&E for deceptive advertising of residential energy practices.
- Served as co-lead counsel in settled national litigation against CPG International for deceptive advertising in connections with deceptive advertising of AZEK-branded decking products.
- Served as executive committee counsel in settled national litigation against Western Union for deceptive practices in connection with money transfers.

- Served as co-lead counsel in litigation against Facebook for deceptive advertising practices.
- Served as co-lead counsel in a national class action against Palm involving defective smart phones.
- Served as co-lead counsel in a national class action against Nissan for defective tires on its 350Z model.
- Served as co-lead counsel in a national class action against Hewlett Packard claiming defects in certain printer models.
- Served as co-lead counsel in litigation against Vonage for consumer fraud.
- Served as co-lead counsel in litigation against Maytag, where he was instrumental in negotiating a \$42.5 million nationwide settlement for a class of more than 200,000 Maytag customers.
- Served as co-lead counsel in a nationwide class settlement against IBM that affected more than 3 million hard drive purchasers.

9. I also served as Co-Lead Trial Counsel representing 68,000 individuals whose statutory rights were violated by the public dissemination of their criminal record history information. I was part of the litigation team that prevailed in a jury trial and achieved an unprecedented settlement for Pennsylvania inmates who were booked or otherwise detained at the Bucks County Correctional Facility (BCCF) between 1938 and June 18, 2013. The case, *Taha v. Bucks County*, No. 12-cv-6867 (E.D. Pa.), is believed to be the first class action case in the United States to proceed to trial on the impact of digital criminal stigma and a government's statutory obligation to protect its citizenry against such stigma. A copy of the firm resume of Shub Law is annexed hereto as Exhibit A.

10. Over the years, I have worked closely and collaboratively on many cases with all of the firms seeking appointment in this case and will continue to do so in this matter as well.

I declare pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Dated: May 26, 2021
Haddonfield, NJ

/s/ Jonathan Shub

Jonathan Shub
SHUB LAW FIRM LLC

EXHIBIT 1



SHUB LAW FIRM LLC

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Jonathan Shub is the founder of Shub Law Firm LLC. Mr. Shub graduated from American University (Washington, D.C.), B.A., in 1983 and Delaware Law School of Widener University (now Widener University Delaware School of Law), cum laude, in 1988. While enrolled in Delaware Law School of Widener University, he served as the Law Review Articles Editor. Jon was a Wolcott Fellow Law Clerk to the Hon. Joseph T. Walsh, Delaware Supreme Court in 1988. He is a member of the American Association of Justice (past chairman of class action litigation section), the American Bar Association and the Consumer Attorneys of California. Jon was named a Pennsylvania SuperLawyer from 2005 -2009 and 2011-2019. Jon is also an active member of his local

synagogue and an avid political fundraiser.

Jon is recognized as one of the nation's leading class action consumer rights lawyers, based on his vast experience and successes representing classes of individuals and businesses in a vast array of matters involving unlawful conduct. Jon has gained notable attention in the area of defective consumer electronics and computer hardware as a result of many leadership positions in federal and state cases against companies such as Hewlett-Packard, Maytag, IBM and Palm. In fact, Maximum PC Magazine, a leading industry publication, said years back that "Shub is becoming renowned for orchestrating suits that have simultaneously benefited consumers and exposed buggy hardware." He also has vast experience in mass tort class actions such as Vioxx, light tobacco litigation, and in consumer class actions such as energy deregulation. He is currently heavily involved in litigation on behalf of businesses that were denied insurance coverage involving COVID-19.

Jon launched his career in the Washington office of Fried, Frank, Harris, Shriver & Jacobson, where he worked on complex commercial matters including corporate investigations and securities litigation. He then moved into a practice of consumer protection and advocacy. Prior to joining Kohn, Swift & Graf, P.C., Jonathan was the resident partner in the Philadelphia office of Seeger Weiss LLP. He is a frequent lecturer on cutting edge class action issues, and is a past chairman of the Class Action Litigation Group of the American Association for Justice. Jon regularly appears in state and federal courts nationwide, and in many high profile consumer protection cases. Jon's leadership roles require him to develop the theories of liability for the entire class as well as the overall trial strategy for the cases. Most recently, Jon was co-lead and co-trial counsel in a case against municipality for violation of a state privacy law. The trial resulted in a jury award of approximately \$68,000,000 to the Class.

Jon's experience in class action litigation includes the following leadership positions:

Serves as lead counsel in New York against KIWI Energy LLC for deceptive advertising of residential energy practices.

Served as co-lead counsel in Illinois against Direct Energy for deceptive advertising of residential energy practices.

Served as co-lead counsel in Pennsylvania against PG&E for deceptive advertising of residential energy practices.

Served as co-lead counsel in settled national litigation against CPG International for deceptive advertising in connections with deceptive advertising of AZEK-branded decking products.

Served as executive committee counsel in settled national litigation against Western Union for deceptive practices in connection with money transfers.

Served as co-lead counsel in litigation against Facebook for deceptive advertising practices.

Served as co-lead counsel in a national class action against Palm involving defective smart phones.

Served as co-lead counsel in a national class action against Nissan for defective tires on its 350Z model.

Served as co-lead counsel in a national class action against Hewlett Packard claiming defects in certain printer models.

Served as co-lead counsel in litigation against Vonage for consumer fraud.

Served as co-lead counsel in litigation against Maytag, where he was instrumental in negotiating a \$42.5 million nationwide settlement for a class of more than 200,000 Maytag customers.

Served as co-lead counsel in a nationwide class settlement against IBM that affected more than 3 million hard drive purchasers.

Publications and Presentations:

Moderator, Class Actions, Annual Meetings of American Association of Justice, 2015, 2016

Speaker, "Finding the Right Class Action", New Jersey Association of Justice, June, 2016

Speaker, "Nuts and Bolts of MDL Practice", Class Action Symposium, Chicago Illinois, June, 2010

Speaker, "Computer Technology and Consumer Products Class Actions", Consumer Attorneys of California 46th Annual Convention, November, 2007

Frequent speaker, American Association for Justice (formerly ATLA)

Author, "Distinguishing Individual from Derivative Claims in the Context of Battles for Corporate Control", 13 Del. J. Corp. L. 579 (1998)

Author, "Shareholder Rights Plans? Do They Render Shareholders Defenseless Against Their Own Management", 12 Del. J. Corp. L. 991 (1997)

Co-author, "Once Again, the Court Fails to Rein in RICO", Legal Times (April 27, 1992)

Co-author, "Failed One-Share, One Vote Rule Let SEC Intrude in Boardroom", National Law Journal (October 8, 1990).



Kevin Laukaitis is a Philadelphia native who practices in the areas of consumer rights litigation and other complex class action litigation. Mr. Laukaitis is a graduate of Drexel University, where he received a bachelor's degree in Business Administration. He attended law school at Temple University Beasley School of Law in its part-time evening program. During law school, Kevin worked full-time as a paralegal and law clerk where he gained practical experience in consumer rights litigation, including complex class actions. Kevin is a member of American Association for Justice and Philadelphia Trial Lawyers Association, Member

Mr. Laukaitis' practice has been focused on class action consumer litigation involving overcharging of deregulated energy companies, defective products, mislabeling and consumer fraud, and other areas of complex litigation.

Mr. Laukaitis has played a prominent role in cases against deregulated energy companies that have engaged in deceptive practices by overcharging consumers on their energy bills. Mr. Laukaitis' efforts have resulted in over \$50 million dollars in recovery to classes of consumers who were overcharged by these energy companies.

PROMINENT JUDGMENTS AND SETTLEMENTS:

Sobiech v. U.S. Gas & Electric, Inc., Case No. 2:14-cv-04464, United States District Court for the Eastern District of Pennsylvania (worked on the team who obtained \$1.25 million for a class of Pennsylvania resident customers of Pennsylvania Gas & Electric)

Amy Silvis v. Ambit Northeast LLC, Case No. 2:14-cv-05005-ER, United States District Court for the Eastern District of Pennsylvania (worked on the team who obtained \$9.3 million for a class of Pennsylvania resident customers of Ambit Energy)

Basile v. Stream Energy Pennsylvania, LLC, et al., Case No.1:15-cv-01518-YK, United States District Court for the Middle District of Pennsylvania (worked on the team who obtained \$13.5 million for a class of Pennsylvania resident customers of Stream Energy)

Lori Sanborn, et al. v. Viridian Energy Inc., et al., Case No. 3:14-cv-01731-SRU, United States District Court for the District of Connecticut (worked on the team who obtained \$18.5 million for a nationwide class of customers of Viridian Energy).

Hamlen v. Gateway Energy Services Corporation, Case No. 7:16-cv-03526-VB-JCM, United States District Court for the Southern District of New York (appointed class counsel and worked on the team who obtained \$9.25 million for a class of New York, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, and Ohio resident customers of Gateway Energy).

Austin v. Kiwi Energy Services LLC, Case No. 515350/2017, New York State Supreme Court, Kings County (appointed lead counsel and worked on the team who obtained over \$1 million for a class of customers of Kiwi Energy)

Mr. Laukaitis is also involved in pending class action litigation against several other deregulated energy companies, representing customers throughout the nation, including:

Verde Energy, Sperian Energy, Just Energy, Gateway Energy, Palmco Energy, Greenlight Energy, and Agway Energy.

Mr. Laukaitis was also part of the team of attorneys who worked on Taha v. County of Bucks, No. 12-06867, United States District Court for the Eastern District of Pennsylvania, a seminal case which resulted in a jury verdict for a certified class of nearly 68,000 people. The jury awarded each member of the class \$1,000 in punitive damages.

ADMISSIONS

Pennsylvania

United States District Court for the Eastern District of Pennsylvania

United States District Court for the Northern District of Illinois

United States District Court for the Eastern District of Michigan